

THE HONORABLE ROBERT S. LASNIK

Trial Date: September 10, 2018

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON AT SEATTLE

EVAN CARNAHAN,

Plaintiff,

vs.

ALPHA EPSILON PI FRATERNITY, INC.
and DAVID LEON,

Defendants.

No. 2:17-cv-00086 RSL

STIPULATION ON MOTIONS IN LIMINE

On August 10, 2018, at 1 p.m., the parties, by and through their counsel, held a conference call to meet and confer about motions in limine to be filed on this case. After discussing those motions, the parties stipulate to the following:

1. The parties stipulate that no new expert opinions will be offered at trial. Testifying experts will limit their opinions to the opinions contained in their expert disclosures and their expert reports. Undisclosed opinions may not be introduced at trial. FRCP 37(c)(1).
2. The parties stipulate that evidence of the parties' pecuniary status will not be introduced or admitted. The parties recognize that either party's respective wealth



1 or lack of wealth is not relevant to the case and not proper evidence for the jury to
2 consider when deciding this case.

3 3. The parties stipulate to the exclusion of any “golden rule” testimony or argument.

4 The parties agree that “golden rule” arguments, which ask the jurors to put
5 themselves in the shoes of one of the parties, are not proper in this case.
6

7 4. The parties stipulate to the exclusionary rule that no non-party witness may sit in
8 the court room until after they testify at trial.

9 5. The parties stipulate to the exclusion of any evidence or argument referring to any
10 motions or positions taken in motions in this case.

11 6. The parties stipulate to the exclusion of any evidence or argument referring to past
12 settlement discussions, offers, arguments and claims made during settlement
13 negotiations, and positions taken during settlement negotiations and discussions.
14

15 7. The parties agree to provide each other with at least one court days’ notice of
16 witnesses who will be called to testify at trial.

17 8. The parties agree that plaintiff’s medical providers may not offer expert opinions
18 outside the scope of the treatment they provided unless they have been disclosed as
19 experts and have provided a written report. Medical providers not disclosed as
20 experts will be limited to percipient testimony.
21

22 9. The parties agree that no evidence of either party’s insurance will be introduced or
23 admitted at trial.
24
25
26



1 DATED: October 31, 2018

2
3 *s/ Mark Choate*

4 Mark Choate, WSBA No. 43049
5 Jon Choate, WSBA No. 53690
6 CHOATE LAW FIRM LLC
7 424 N. Franklin Street
8 Juneau, AK 99801
9 Tel: (907) 586-4490
10 Fax: (888) 856-3804
11 Email: mark@choatelawfirm.com;
12 jon@choatelawfirm.com
13 Attorneys for Plaintiff

14 *s/Dylan E. Jackson*

15 Dylan E. Jackson, WSBA No. 29220
16 Jeff M. Sbaih, WSBA No. 51551
17 Wilson Smith Cochran Dickerson
18 901 Fifth Avenue Suite 1700
19 Seattle, WA 98164
20 Phone: 206-623-4100; Fax: 206-623-9273
21 jackson@wscd.com; sbaih@wscd.com
22 Attorneys for Defendant

23 **ORDER**

24 Based on the above stipulation by counsel, the Court hereby orders as follows:

- 25 1. No new expert opinions will be offered at trial. Testifying experts will limit their
26 opinions to the opinions contained in their expert disclosures and their expert
reports. Undisclosed opinions may not be introduced at trial. FRCP 37(c)(1).
2. Evidence of the parties' pecuniary status will not be introduced or admitted.
3. Neither party will offer testimony or argument invoking or referring to the "golden
rule" in any way.
4. Any non-party witnesses shall abide by the exclusionary rule.



- 1 5. Neither party will introduce evidence or argument referring to any motions or
- 2 positions the parties took in motions in this case.
- 3 6. Neither party will introduce evidence or argument referring to past settlement
- 4 discussions, offers, arguments and claims made during settlement negotiations,
- 5 and positions taken during settlement negotiations and discussions.
- 6 7. The parties will provide each other with at least one court days' notice of
- 7 witnesses who will be called to testify at trial.
- 8 8. Plaintiff's medical providers may not offer expert opinions outside the scope of the
- 9 treatment they provided unless they have been disclosed as experts and have
- 10 provided a written report. Medical providers not disclosed as experts will be
- 11 limited to percipient testimony.
- 12 9. The parties agree that no evidence of either party's insurance will be introduced or
- 13 admitted at trial.
- 14
- 15

16 IT IS SO ORDERED.

17 DATED: 6th day of Nov., 2018.

18
19
20 Robert S. Lasnik
21 Honorable Robert S. Lasnik
22 U.S. District Court Judge

23 //

24 //

25 //

26 //

1 Presented by:

2
3 s/ Mark Choate

4 Mark Choate, WSBA No. 43049
5 Jon Choate, WSBA No. 53690
6 CHOATE LAW FIRM LLC
7 424 N. Franklin Street
8 Juneau, AK 99801
9 Tel: (907) 586-4490
Fax: (888) 856-3804
Email: lawyers@choatelawfirm.com
Attorneys for Plaintiff

10 s/ Dylan E. Jackson

11 Dylan E. Jackson, WSBA No. 29220
12 Jeff M. Sbaih, WSBA No. 51551
13 Wilson Smith Cochran Dickerson
14 901 Fifth Avenue Suite 1700
15 Seattle, WA 98164
Phone: 206-623-4100; Fax: 206-623-9273
jackson@wscd.com; sbaih@wscd.com
Attorneys for Defendant

16
17
18
19
20
21
22
23
24
25
26

STIPULATION ON MOTIONS IN LIMINE
(Cause No. 2:17-cv-00086 RSL) – 5
js/JS1588.055/3051342x



901 FIFTH AVENUE, SUITE 1700
SEATTLE, WASHINGTON 98164
TELEPHONE: (206) 623-4100
FAX: (206) 623-9273